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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,470	06/29/2001	Arturo A. Rodriguez	A-5867	9263

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/27/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/27/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary

Application No.

09/896,470

Applicant(s)

RODRIGUEZ, ARTURO A.

Examiner

Sumaiya A. Chowdhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7, 12-13, and 14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie in view of Ahmad (5565908).

Considering claim 1, LaJoie discloses a method for accessing a plurality of bi-directional services over a cable television network, comprising:

presenting a program guide to at least one subscriber (col. 16, lines 28-41);
populating the program guide with at least one bi-directional services with availability information (whatever service is displayed on the program guide is an available service), wherein the at least one bi-directional service is maintained in and periodically updated in the program guide by a bi-directional services database (15 – Fig. 1; col. 10, lines 11-21) – (Application server (15) provides data for interactive

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program guide data. It is well known that the headend updates program guide data periodically. - col. 16, lines 20-41, col. 30, lines 53-67);

receiving a request for a bi-directional service displayed in the program guide (col. 11, lines 43-47, col. 15, lines 63-67, col. 16, lines 1-6, col. 27, lines 65-67, col. 28, lines 1-4);

if the requested bi-directional service is available, rendering the bi-directional service (The available services are the services displayed. Fig. 24-34, col. 11, lines 44-50); and

However, LaJoie fails to teach:

The bi-directional services database is updated by at least one remote subscriber;

Updating the bi-directional services database to reflect that the rendered bi-directional service is on of available or unavailable.

In an analogous art, Ahmad teaches:

The bi-directional services database (movie application program located in master processor 102) is updated by at least one remote subscriber (Referring to col. 14, lines 50-55, Ahmad teaches when a movie is being viewed, it is removed from the respective menu by the movie application program. Once the movie is no longer being viewed, it is added back to the menu. Hence, if the service is available it is displayed, and if not, it is removed. – col. 14, lines 35-55);

Updating the bi-directional services database to reflect that the rendered bi-directional service is one of available or unavailable (col. 14, lines 35-55).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie's invention to include the above mentioned limitations, as taught by Ahmad, for the advantage of displaying an updated menu of movies with instant availability information.

Considering claim 2, LaJoie and Ahmad disclose the claimed limitations. In particular, LaJoie discloses the step of receiving a request for further information regarding the requested bi-directional service (The user is provided with the option of requesting more information for a program/service – col. 30, lines 33-48).

Considering claim 3, LaJoie and Ahmad disclose the claimed limitations. In particular, Ahmad teaches querying the bi-directional services database to ensure the requested bi-directional service is available (By requesting the service, the user is ensuring that the service is available – col. 14, lines 32-40).

Considering claim 5, LaJoie and Ahmad disclose the claimed limitations. In particular, LaJoie teaches:

Receiving a second request (subsequent request) for an available bi-directional service displayed in the program guide;

Transmitting the bi-directional service – col. 11, lines 44-50; and

Updating the availability information in the bi-directional services database (It is well known for program guides to be constantly updated. After the each update, whatever is displayed is available.)

Considering claim 6, LaJoie and Ahmad disclose the claimed limitations. In particular, LaJoie teaches:

Wherein if a displayed bi-directional service is not available, receiving a request for future consumption of the requested bi-directional service; and providing notification when the bi-directional service is available (If the service selected from the program guide is on at a future time (currently not available), a reminder timer is set to remind the user to tune to the service at the future time – col. 30, lines 8-20).

Considering claim 12, LaJoie and Ahmad teach wherein the program guide displays bi-directional services along with the availability information as discussed above in claim 1. However, LaJoie and Ahmad fail to teach the step of continuously updating the program guide to display availability information for each of the plurality of bi-directional services.

The Examiner takes Official Notice that it is notoriously well known in the art to continuously update the program guide to through the use of a carousel to display availability information. Whatever service(s)/programs are displayed in the program guide, are service(s)/programs that are available.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie and Ahmad's invention to include the above mentioned limitations, for the advantage of always providing the user with an updated program guide.

4. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie and Ahmad as applied to claim 1 above, and further in view of Cooper (6754904)

Considering claim 4, LaJoie and Ahmad fail to disclose receiving a request from a subscriber for a bi-directional service comprises a bi-directional communication session between the subscriber and at least one other subscriber with the requested bi-directional service.

In an analogous art, Cooper teaches a user requests to join a chat room (bi-directional communication session) based on the TV show the user is currently watching. The user can then share their comments on the show in real time by submitting messages to the server for display in the chat room window – col. 6, lines 40-57, lines 34-37.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie and Ahmad's invention to include the above mentioned limitation, as taught by Cooper, for the advantage of allowing users to share

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their comments on the show in real time by submitting messages to the server for display in the chat room window.

5. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie in view of Ahmad and Cooper.

Considering claim 13, LaJoie teaches a system for accessing a plurality of bi-directional services over a cable television network comprising:

means for populating a bi-directional services database (15 – Fig. 1; col. 10, lines 11-21) with the availability information (whatever service is displayed on the program guide is an available service) related to the plurality of bi-directional services (col. 16, lines 20-33) – (Application server (15) provides data for interactive program guide data. - col. 16, lines 28-41);

Means (396 – Fig. 18) for presenting a program guide to a plurality of subscribers, wherein the program guide displays the plurality of bi-directional services along with the availability information (col. 16, lines 28-41);

means (14 – Fig. 1) for receiving a request from at least one of the plurality of subscribers for at least one available bi-directional service displayed in the program guide (col. 11, lines 43-47, col. 15, lines 63-67, col. 16, lines 1-6, col. 27, lines 65-67, col. 28, lines 1-4);

means (14 – Fig. 1) for rendering the available bi-directional service (Fig. 24-34, col. 11, lines 44-50); and

means (15 – Fig. 1) for generating an updated bi-directional services database to reflect that the requested at least one bi-directional service has been rendered (The user selects an IPPV event from the database. The system prompts the user to enter in his/her PIN number to purchase viewing the program. –550 - Fig. 28, col. 31, lines 25-38. The database displays IPPV past events requested by the user – 594 - Fig. 31, col. 32, lines 29-33. The application server (15) manages billing services – col. 10, lines 10-21).

Means (15 – Fig. 1) for retransmitting the program guide including the updated bi-directional services to the plurality of subscribers (It is inherent for the program guide to be updated by the headend).

However, LaJoie fails to teach:

Means for receiving availability information from at least one remote subscriber related to a plurality of bi-directional services;

Means for enabling a bi-directional communication session between at least one of the plurality of subscribers and a remote subscriber based on the requested bi-directional service;

In an analogous art, Ahmad teaches:

Means (movie application program) for receiving availability information from at least one remote subscriber related to a plurality of bi-directional services (Once the movie is no longer being viewed by the user, it is added back to the menu. Hence, availability information regarding the movie is received from the remote subscriber. – col. 14, lines 50-55);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie's invention to include the above mentioned limitation, as taught by Ahmad, for the advantage of displaying an updated menu of movies with instant availability information.

However, LaJoie and Ahmad fail to teach:

Means for enabling a bi-directional communication session between at least one of the plurality of subscribers and a remote subscriber based on the requested bi-directional service;

In an analogous art, Cooper teaches a user requests to join a chat room (bi-directional communication session) based on the TV show the user is currently watching. The user can then share their comments on the show in real time by submitting messages to the server for display in the chat room window – col. 6, lines 40-57, lines 34-37.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie and Ahmad's invention to include the above mentioned limitation, as taught by Cooper, for the advantage of allowing users to share their comments on the show in real time by submitting messages to the server for display in the chat room window.

Considering claim 14, LaJoie, Ahmad, and Cooper disclose the claimed limitations. In particular, Ahmad teaches wherein the updated bi-directional services database is updated by information received from the at least one remote subscriber

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(Referring to col. 14, lines 50-55, Ahmad teaches when a movie is being viewed, it is removed from the respective menu by the movie application program. Once the movie is no longer being viewed, it is added back to the menu. Hence, if the service is available it is displayed, and if not, it is removed. – col. 14, lines 35-55);

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie and Ahmad as applied to claim 6 above, and further in view of Bates (6681396).

Considering claim 7, LaJoie teaches:

Displaying a notification of the unavailable bi-directional service as discussed above in claim 6. However, LaJoie and Ahmad fails to teach displaying a notice on a currently displayed program.

In an analogous art, Bates teaches displaying a notice (103 – Fig. 5) on a currently displayed program, the notice displaying later showings of the selected program – (See Fig. 4 & Fig. 5, col. 7, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie and Ahmad's invention to include the above mentioned limitation, as taught by Bates, for the advantage of allowing the user to view the desired program at a later convenient time.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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